

Date: April 2, 2008

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: HIROMASA MIYAJI ET AL.

Application No.: 09/763,793

Filed: February 27, 2001

For: NUCLEOSIDE TRANSPORTER POLYPEPTIDES AND POLYNUCLEOTIDES
ENCODING THE POLYPEPTIDE (AS AMENDED)

Group Art Unit: 1647

Confirmation No. 3687

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated October 2, 2007 of the Primary Examiner finally rejecting claims 1-12, 29, 42 and 46-48.

The items checked below are appropriate.

1. ☒ A Petition for a one month extension of time to respond to the final rejection, together with the \$120.00 extension fee under 37 C.F.R. §1.17, was filed on February 1, 2008.
2. ☒ A Petition for an additional two month extension of time to take further action, together with the \$930.00 extension fee under 37 C.F.R. §1.17, is being filed herewith.
3. ☒ Fee \$510.00
- ☐ Fee \$255.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
- ☒ A depository account payment of \$510.00 is being paid herewith.
- ☐ Not required (fee paid in prior appeal)
- ☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Lawrence S. Perry/
Lawrence S. Perry
Attorney for Applicants
Registration No.: 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200